

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI
KANSAS CITY DIVISION**

Gary L. Schaefer,)	
)	Bankruptcy Case: 17-43360-drd7
Debtor.)	
)	
Nationstar Mortgage, LLC, d/b/a Mr.)	Chapter 7
Cooper, its successors and/or assignees)	
)	
Movant,)	
)	
Gary L. Schaefer, and)	
Jill D. Olsen, Chapter 7 Trustee,)	
)	
Respondents.)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW Movant, Nationstar Mortgage, LLC, d/b/a Mr. Cooper, its successors and/or assigns (“Movant”), and states as follows in support of its Motion for Relief from the Automatic Stay:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334 and 11 U.S.C. § 362 and Bankruptcy Rules 4001(a) and 9014.
2. On December 14, 2017, Gary L. Schaefer (“Debtor”) filed for protection, under Chapter 7 of the Bankruptcy Code, in the Bankruptcy Court for the Western District of Missouri, being bankruptcy case number 17-43360-drd7.
3. Jill D. Olsen is the assigned Chapter 7 Trustee.
4. Debtor is the owner of real estate located at 16720 South Seaton Road, Pleasant Hill, Missouri 64080 (“the Property”). The Property is legally described as follows:

Tract I:

All of the South 205 feet of the North 20 Acres of the Northeast Quarter of the Southeast Quarter of Section 11, Township 46, Range 30 and all of the East 330.15 feet of the North 455 feet of the North 20 Acres of the Northeast Quarter of the Southeast Quarter of said Section 11, Township 46, Range 30, all in Cass County, Missouri, subject to that part thereof in road.

Tract II:

All of the North 20 Acres of the Northeast Quarter of the Southeast Quarter of Section 11, Township 46, Range 30, LESS AND EXCEPT the East 330.15 feet of the North 455 feet of the North 20 Acres of the Northeast Quarter of the Southeast Quarter of said Section 11, Township 46, Range 30, all in Cass County, Missouri.

5. Movant is the holder, or legal agent of the holder, of a Note secured by a First Deed of Trust attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary, encumbering the Property.

6. In his Schedule A, Debtor states the estimated current market value of Debtor's interest in the Property is approximately \$230,000.00.

7. According to Debtor's Statement of Intentions, the Property is to be surrendered.

8. As of December 18, 2017 the minimum outstanding obligation is:

Principal Balance	\$216,470.93
Interest	\$5,389.97
Corporate Advance	\$45.00
Less Suspense:	(\$0.00)
Total	\$221,905.90

9. **The principal balance on the promissory note** is approximately \$216,470.93, plus interest at the rate of 5.375%; and, Debtor has **failed to make the payments** due on the promissory note; and, such payments are owing and delinquent from August 1, 2017 to December 1, 2017 as set forth below:

5 Regular monthly payments at \$1,833.65 each:	\$9,168.25
Attorney fees and costs for this Motion	\$1,031.00
Recoverable Fees	\$0.00
Accrued Late Charges	\$0.00
Less Suspense	(\$0.00)
Total	\$10,199.25

Furthermore, additional payments will become due according to the terms of the note.

10. The recoverable market value of the Property does not exceed the indebtedness to Movant together with other liens, if any, against the Property.

11. Movant does not have, and has not been offered, adequate protection for its security interest in the Property. Absent an order, Movant's interest in the Property will be irreparably injured and harmed.

12. The Property is not of sufficient value over and above the deed of trust indebtedness it secures plus the homestead exemption, if any, to be of any benefit for the estate.

WHEREFORE, Movant respectfully requests that the Bankruptcy Court enter its Order: terminating the automatic stay pursuant to 11 U.S.C. Section 362(d) as to Movant and the Property; and, waiving the fourteen (14) day stay imposed by FRBP 4001(a)(3); and, permitting Movant to take such actions with respect to the Property as are set forth under applicable non-bankruptcy law (i.e. modifications, short sales, and other loss mitigation options); and, permitting Movant to proceed with foreclosure of its note and deed of trust pursuant to the laws of the State of Missouri; and for such other and further relief as the Bankruptcy Court may deem just and proper.

SHAPIRO & KREISMAN, LLC

By: /s/Zachary G. Edwards
Zachary G. Edwards #63798
Adam S. Kerekanich #68602
Jason O. Bright #65309

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Attorneys for Movant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically mailed this 3rd day of January, 2018 to:

Attorney for Debtor:

Dennis A. Boman
2601 Hub Drive North, Suite C
Independence, MO 64055

Debtor:

Gary L Schaefer
16720 S. Seaton Road
Pleasant Hill, MO 64080

Chapter 7 Trustee:

Jill D. Olsen
The Olsen Law Firm, LLC
118 N. Conister Ln, Suite B #290
Liberty, MO 64068

Office of the US Trustee:

Charles Evans Whittaker Courthouse
400 E. 9th Street
Room 3440
Kansas City, MO 64106

/s/Zachary G. Edwards

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SUMMARY OF EXHIBITS

The following exhibits in reference to the Motion of Nationstar Mortgage, LLC, d/b/a Mr. Cooper, were electronically mailed on January 3, 2018:

1. Deed of Trust executed on January 25, 2010 by Gary L. Shaefer, a single person in the amount of \$246,816.00 and recorded on January 29, 2010 in Book 3313 at Page 108.
2. Assignment of Deed of Trust.
3. Note executed January 25, 2010 in the original amount of \$246,816.00.

SHAPIRO & KREISMAN, LLC

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